



## APPLICATION PROCEDURAL GUIDE

### Conditional Use Permit Special Use Permit Variance

#### A. GENERAL

##### 1. Project Consideration: Who Will Make the Determination

Upon first contact with the Planning Department, the planner will notify you if your project is located within a redevelopment area or if it is subject to any special design/land use criteria such as the Montgomery Specific Plan. You will be informed whether the Zoning Administrator, Planning Commission, and/or City Council will review the project. If the project is within a Redevelopment Area, the Project Area Committee and the Redevelopment Agency may also review the application.

Depending on the type of project, its impacts or how controversial it is, the Zoning Administrator may be able to make the decision. In other cases, the project must be heard by the Planning Commission, and in others still, by the City Council as well.

Generally, unless otherwise determined by the Zoning Administrator, the following types of applications will be reviewed by the Zoning Administrator and will not require a public hearing:

##### (a) Conditional Use Permits for which:

- No new building or substantial structural improvements are involved
- The proposed use would make use of existing building without substantial remodeling
- Signs
- Temporary tract houses
- Carnivals and Circuses
- Churches
- Alcohol Sales for off-site consumption in CN zone

##### (b) Variances for:

- The modification of a setback or development control (i.e. lot coverage)
- Wall/Fence height variance under 20% of requirement of zone

Some projects located within a redevelopment area can be considered by the Zoning Administrator, however, most projects will be taken to the area's Project Area Committee for a recommendation to the Redevelopment Agency

#### B. PRE-APPLICATION REVIEW

It is recommended that the applicant request Pre-Application Review with Development Services Staff prior to submission of the formal application. This will allow the Planning and Engineering staff to review the request and provide input to the applicant on potential environmental concerns, zoning and engineering requirements, and specific traffic, site planning, landscaping, and building design criteria. The early review and input by staff should save the applicant processing time and expensive plan revisions later in the process. This service is free, and a Pre-Application Request Form is available from the Planning Division public counter.

**C. FILING APPLICATION**

**1. Initial Submittal**

**a) Application Form and Accompanying Exhibits**

The applicant must complete a Development Processing Application Form. The completed forms are filed with the Planning Division and must be accompanied by the required fee, maps and attachments. (Refer to the Application Checklist as determined by Planning Staff)

**b) Number of Copies**

Generally, twenty-four (24\*) copies of plans and elevations are required for an application and Preliminary Environmental Review when submitted together. If the proposed project is within a redevelopment area, an Eastern Territory SPA, or is filed in conjunction with another application, additional sets may be required. The Project Planner will notify you if additional sets are required for your project review.

One – 8 ½" X 11" reduction of site plans, floor plans and building elevations must be submitted for projects that are scheduled for public hearing. These should be submitted to the project planner approximately two (2) weeks before the public hearing.

**c) Application Fee**

Refer to fee schedule.

**d) Findings**

Attach a discussion of required findings for the Conditional Use Permit or Variance as listed in the specific sections for these applications later in this Guide.

**D. ENVIRONMENTAL REVIEW**

Certain projects will require environmental review involving the processing of an Initial Study or Environmental Impact Report, which will extend the processing time frames. Environmental review can be processed concurrently however, action on the use permit application may not take place until the environmental process is complete. Unless otherwise informed by a Planner, all applications must be submitted with a Preliminary Environmental Review application. The applicant will be informed if the project is exempt from environmental review or if more review is required. A separate application form and fee are required.

**E. ZONING ADMINISTRATOR PROCEDURE**

**1. Zoning Administrator Action**

In the event no objections or protests are received, the Zoning Administrator (Z.A.) will either approve, conditionally approve or deny the request in approximately 4 to 6 weeks after the application has been filed, if environmental review is not required. In the event objections or protests are received, the zoning administrator shall set the matter for public hearing.

**2. Letter of Determination**

Upon arriving at a decision (approval, conditional approval or denial) the Zoning Administrator shall issue a letter of determination. A copy of such letter will be sent to the applicant and any other interested party. The decision of the Zoning Administrator is final unless appealed within 10 days.



3. Appeal

The applicant, or any other interested party, may appeal the decision of the Zoning Administrator to the Planning Commission within 10 days of the date of the letter of determination. The appeal forms may be obtained from the Planning Department and must be filed with the Planning Department within the specified time period.

**F. PLANNING COMMISSION PROCEDURE**

1. Public Hearing

The Planning Commission will conduct a public hearing approximately 6-8 weeks after a complete conditional use permit application or appeal has been filed, assuming that environmental review is not required. The Planning Commission meets on the second and fourth Wednesdays of each month in the City Council Chambers, 276 Fourth Avenue, Chula Vista, CA. The applicant will be notified of the date of public hearing. The applicant or authorized representative must be present at the hearing.

2. Planning Commission Decision

After conducting a public hearing, during which time the applicant and other interested parties may speak, the Planning Commission may approve, conditionally approve or deny the request.

3. Letter of Determination

A copy of the decision of the Planning Commission will be mailed to the applicant or appellant. The decision of the Planning Commission is final unless appealed within 10 days.

4. Appeal

The applicant, or any interested party, may appeal most decisions of the Planning Commission to the City Council within 10 days of the filing of the decision of the City Clerk. The appeal forms may be obtained from the Office of the City Clerk and must be filed with the City Clerk within the specified time period.

**G. CITY COUNCIL PROCEDURE**

1. Public Hearing

The City Council will conduct a public hearing approximately 3-4 weeks after the appeal or the Planning Commission has reviewed application. The City Council meets every Tuesday of each month (except the fifth Tuesday) in the City Council Chambers, 276 Fourth Avenue, Chula Vista, CA. The applicant will be notified of the date of hearing.

2. City Council Decision

After conducting a public hearing, during which time the applicant and interested parties may speak, the City Council may approve, conditionally approve or deny the request.

3. Notice of Determination

The Office of the City Clerk will notify the applicant of the City Council decision.

**H. SCHEDULING OF APPEALS**

Appeals are generally given priority over new cases, and will normally be scheduled for hearing 3-4 weeks from the date the appeal is filed.



I. POSSIBLE REQUIREMENTS FOR PUBLIC AND PRIVATE IMPROVEMENTS

Applicants for development projects, including additions and interior/exterior remodels, and some proposals involving a change in land use, are advised that they may be required to install and /or modify on- and off-site public and private improvements and pay impact fees. Improvements may include on-site structures, paving and landscaping, and requirements to dedicate, improve and/or modify streets and other public facilities off-site. Fees may include sewer, traffic and development impact fees.

The necessity for or exact extent of these requirements and fees, if any, are generally not known until an application has been filed and routed for review and comment to the various City departments and outside agencies. Applicants are encouraged, however, to contact the City regarding the possibility for and the general extent of these requirements at the earliest possible stage of project consideration. Pre-application meetings are recommended and are free to the applicant. The City departments normally involved with such requirements are the Departments of Planning & Building and Fire for private improvements, and the Engineering Department for public improvements and impact fees.

As mentioned above, it is often helpful to schedule a Pre-Application meeting with appropriate City staff to review issues and discuss possible requirements prior to formal application. These meetings can be arranged through the Planning Department at (619) 691-5101.

J. APPLICATIONS REQUIRING DEPOSIT ACCOUNTS

The fee you submit with the application is a deposit only. The amount of the deposit is an estimate based on an average processing time for the type of application. Your application may cost less or more depending on certain circumstances and complexity. If the cost of processing the application is less than the deposit amount, you will be reimbursed the balance. However, if the cost of processing is more than the deposit amount, you will be required to pay the difference.

If at any time, the amount of the deposit is depleted to a minimal level inadequate to continue processing, or if a deficit situation exists, the Planning & Building Department will request that additional funds be deposited with the City of Chula Vista within a specified time period. The amount requested will be based on an estimate of the time remaining to complete the project.

**IMPORTANT:** If the additional amount is not received by the specified date, it may cause the project to be delayed or postponed. In no case will a project be scheduled for consideration until the additional amount is received.



## CONDITIONAL USE PERMIT/SPECIAL LAND USE PERMIT

### PURPOSE AND INTENT

A Conditional Use Permit is a discretionary action that authorizes a specific land use, not otherwise permitted in the zone, to occur, subject to specific conditions. A use permit is typically granted because of unusual site characteristics or the need to give special consideration to the property location and the development of the community. It is based upon a determination of compatibility with surrounding land uses and identification of site constraints making permitted uses unattractive.

### REQUIRED FINDINGS

The Planning Commission (PC) or the Zoning Administrator (Z.A.) can only grant a conditional use permit if certain findings of fact exist. These findings are:

1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community;
2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
3. That the proposed use will comply with the regulations and conditions specified in this code for such use;
4. That the granting of this conditional use will not adversely affect the general plan of the city or the adopted plan of any governmental agency.

### REQUIRED SUBMITTAL

In addition to the application form and the required findings listed above, the applicant shall provide graphics and materials as determined by the project planner and the required filing fee. Listed below are general submittal materials for a Conditional Use Permit. For actual requirements, please refer to the Application Checklist provided with your application

#### *General Submittal Guidelines*

	Zoning Administrator	Planning Commission/DRC
Application Form and Appendices	24* copies	24* copies
Site Plan (Blueprints and/or Reduced Copy)	24* copies	Initial submittal is the same as required for the Z.A. type. Additional copies of all plans will be required prior to hearing for distribution to Commissioners
Floor Plans & Elevations	24* copies	
Topographic Map	24* copies	
Existing & Proposed Signs	24* copies	
Operational Profile	1 copy w/application	1 copy w/application
Color Slide and 8 ½ x 11" Reduction of Plans & Elevations	---	1, two wks. prior to hearing

*\*Other documents may be determined to be necessary by the Planning Division to assist in evaluating the request. If the application is in the Bayfront, Eastern Territories, Redevelopment Area, or adjacent to a city boundary or highway/transit corridor, additional sets will be required*



## ZONE VARIANCE

### PURPOSE AND INTENT

The granting of a Variance is an act to allow a deviation from the strict application of the development regulations of the particular zone. It allows a reasonable use for a parcel of property having unique characteristics by virtue of its size, location, design or topographical features, and its relationship to adjacent or surrounding properties and developments. The purpose of the variance is to bring a particular parcel up to parity with other property in the same zone and vicinity insofar as a reasonable use is concerned, and it is not to grant any special privilege or concession not enjoyed by other properties in the same zone and vicinity.

### REQUIRED FINDINGS

The Planning Commission or the Zoning Administrator can only grant a variance if said commission or administrator finds from the evidence presented that certain findings of fact exist. These findings are:

1. That a hardship peculiar to the property and not created by any act of the owner exists. Said hardship may include practical difficulties in developing the property for the needs of the owner consistent with the regulations of the zone; but in this context, personal, family or financial difficulties, loss of prospective profits, and neighboring violations are not hardships justifying a variance. Further, a previous variance can never have set a precedent, for each case must be considered only on its individual merits;
2. That such a variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity, and that a variance if granted, would not constitute a special privilege of the recipient not enjoyed by his neighbors;
3. That the authorizing of such a variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter or the public interest;
4. That the authorizing of such variance will not adversely affect the general plan of the city or the adopted plan of any governmental agency.

### REQUIRED SUBMITTAL

In addition to the application form and the required findings listed above, the applicant shall provide graphics and materials as determined by the project planner and the required filing fee. Listed below are general submittal materials for a Zone Variance decided by Zoning Administrator. For actual requirements, please refer to the Application Checklist provided with your application.

#### *General Submittal Guidelines*

	Z.A. or Planning Comm
Application Form and Appendices	24* copies
Site Plan (Blueprints and/or Reduced Copy)	24* copies
Floor Plans & Elevations	24* copies
Topographic Map	24* copies
Existing & Proposed Signs	24* copies

\*Other documents may be determined to be necessary by the Planning & Building Department to assist in evaluating the request. If the application is in the Bayfront, Eastern Territories, Redevelopment Area, or adjacent to a city boundary or highway/transit corridor, additional sets will be required.